



# The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth  
Elections Division

## MEMORANDUM

**TO:** Local Election Officials

**FROM:** Michelle K. Tassinari, Director and Legal Counsel, Elections Division

**DATE:** July 6, 2020

**RE:** Changes to State Election Laws: Chapter 115 of the Acts of 2020

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The purpose of this memo is to provide information on changes to the Massachusetts state election laws. As you may be aware, House Bill 4820, An Act relative to voting options in response to COVID-19, was passed by the House and Senate last week and was just signed into law as Chapter 115 of the Acts of 2020.

While most of the changes included in the new law are temporary and will expire at the end of 2020, some permanent changes were included. A summary of those sections making permanent changes are below:

- The deadline to request an absentee ballot by mail will be **5 p.m. on the 4<sup>th</sup> business day before an election**. For Tuesday elections, in most cases, this will mean you will need to receive an absentee ballot application by 5 p.m. on the Wednesday before the election. The deadline to request an absentee ballot in person will remain 12 p.m. the day before the election.
- Similarly, the deadline to request a mail-in early ballot will be **5 p.m. on the 4<sup>th</sup> business day before an election**.
- Voters will be able to request a hand-delivered absentee ballot if they have been admitted to a health care facility after 12 p.m. on the **seventh day** before an election.
- Early voting by mail will begin **as soon as you receive ballots and materials**, as is currently the case with absentee voting. You will no longer need to wait until the early voting period begins in order to mail out early ballots.

- Mail-in ballots may be returned in person, by mail, or **by secured drop box, where provided.**

The above changes will be permanent and apply to all elections going forward. Unlike those provisions, the changes below are only for 2020 elections and they will expire on December 31<sup>st</sup>, unless extended by a new law. The 2020-specific changes are listed below, sorted by topic.

We expect that you will have questions about many of these changes. Please be aware that the Elections Division will provide additional information on many of these changes as soon as we are able.

Some of these changes will require emergency regulations to be promulgated. The Elections Division will be working as quickly as possible to promulgate the needed regulations, in the order in which they are needed.

### **VOTER REGISTRATION**

- The voter registration deadline for any election held on or before December 31, 2020 shall be 10 days before the election. In-person registration shall be offered from 2 p.m. to 4 p.m. and 6 p.m. to 8 p.m. on the last day to register.
  - The deadline to register to vote for the September 1<sup>st</sup> primary will be Saturday, August 22<sup>nd</sup>.
  - The deadline to register to vote for the November 3<sup>rd</sup> election will be Saturday, October 24<sup>th</sup>.

### **VOTE BY MAIL – ELIGIBILITY**

- Early voting by mail will be available for all elections in 2020.
- Any person taking precautions relating to COVID-19 shall be deemed to qualify for an absentee ballot by reason of disability for any election held on or before December 31<sup>st</sup>.
- A voter who has been instructed by a medical professional or public health official to self-quarantine in their home within 7 days of an election may vote in the same manner as someone admitted to a healthcare facility within 7 days of the election.

NOTE: To avoid voter confusion, the SOC will be referring to early ballots by mail as “Vote by Mail” ballots. Early “Vote by Mail” ballots require no excuse, and should be advertised to voters in lieu of absentee ballots, unless the voter is in a situation where an absentee ballot would be needed or preferable.

Situations where a voter may need to apply for an absentee ballot instead of a “Vote by Mail” early ballot would include military/overseas voters, voters who have been admitted to a healthcare facility or need to self-quarantine within a week of the election, voters who are specially qualified, or voters who need a family member to request the ballot on their behalf.

### **VOTE BY MAIL – APPLICATIONS**

- The SOC must mail all voters registered who have not already applied for a primary ballot by July 1 a Vote by Mail application for an early ballot no later than July 15. The application will be send to the voter’s residential address, unless a mailing address is on file in VRIS. These applications must be pre-addressed back to the clerk’s office and postage pre-paid.
- Clerks must include a Vote by Mail application with the acknowledgement notice to all voters who register or change their address between July 1<sup>st</sup> and August 22<sup>nd</sup>, inclusive. A copy the application is included with this memo.
- The SOC must mail all voters registered who have not already applied for a State Election ballot by September 1<sup>st</sup> a Vote by Mail application for an early ballot no later than September 14<sup>th</sup>. The application will be send to the voter’s residential address, unless a mailing address is on file in VRIS. These applications must be pre-addressed back to the clerk’s office and postage pre-paid.
- Clerks must include a Vote by Mail application with the acknowledgement notice to all voters who register or change their address between September 1<sup>st</sup> and October 24<sup>th</sup>, inclusive.
- Vote by Mail Applications must be posted on every local election office’s website, as well as the SOC’s website.
- Applications for mail-in ballots are acceptable if they are submitted by email or fax, as long as the signature is visible and it is signed in substantially the same manner as a handwritten signature. This includes applications signed with a mouse, stylus, or finger. Applications with typed signatures are still not acceptable.
- The deadline to submit a Vote by Mail application or absentee ballot application for mailed ballot for the primary will be 5 p.m. on Wednesday, August 26<sup>th</sup>.
- The deadline to submit a Vote by Mail application or absentee ballot application for mailed ballot for the primary will be 5 p.m. on Wednesday, October 28<sup>th</sup>.
- The SOC must establish an online ballot request portal by October 1<sup>st</sup>.

## **VOTE BY MAIL – MAILING BALLOTS**

- Return ballot envelopes (AV-8s) must be postage pre-paid and pre-addressed to the voter's local election office.
- Early ballots for the State Election must be postmarked by November 3<sup>rd</sup> and received no later than 5 p.m. on November 6<sup>th</sup> on order to be counted. All primary ballots still need to be returned by 8 p.m. on September 1<sup>st</sup> in order to be counted.

NOTE: The Elections Division will be providing you with postage pre-paid and pre-addressed AV-8 return ballot envelopes to send to your voters.

## **IN-PERSON EARLY VOTING**

- In-person early voting for the State Primary and any local election being held on September 1<sup>st</sup> shall be held from Saturday, August 22<sup>nd</sup> – Friday, August 28<sup>th</sup>.
- In-person early voting MUST be offered in at least one location in each municipality on Saturday, August 22<sup>nd</sup> AND Sunday, August 23<sup>rd</sup>. The required hours for each Saturday and Sunday are based on the number of registered voters in your community. They are:

<b># of Registered Voters</b>	<b>Required Hours Per Day</b>
0 - 4,999	2 Hours
5,000 - 19,999	4 Hours
20,000 - 39,999	5 Hours
40,000 - 74,999	6 Hours
75,000+	8 Hours

- In-person early voting MUST be offered in at least one location in each municipality on Saturday, October 17<sup>th</sup>, Sunday, October 18<sup>th</sup>, Saturday, October 24<sup>th</sup>, and Sunday, October 25<sup>th</sup>. The required hours each day are the same as the ones above for the primary.
- Early voting sites for the State Primary must be designated no later than August 7<sup>th</sup>.
- Early voting locations, dates, and hours for the primary must be published no later than August 14<sup>th</sup>. The notice shall be posted conspicuously in the clerk's office or on the city/town bulletin board, on any other public building considered necessary, the city/town website, the SOC's website. To post on the SOC's website, you will need to have your early voting info entered into VRIS before August 14<sup>th</sup>.

- Early voting sites for the State Election must be designated no later than October 2<sup>nd</sup>.
- Early voting locations, dates, and hours for the State Election must be published no later than October 9<sup>th</sup>. The notice shall be posted conspicuously in the clerk's office or on the city/town bulletin board, on any other public building considered necessary, the city/town website, the SOC's website. To post on the SOC's website, you will need to have your early voting info entered into VRIS before October 9<sup>th</sup>.
- Primary ballots and envelopes must be delivered by the SOC to each city and town no later than August 3<sup>rd</sup>.
- Election ballots and envelopes must be delivered by the SOC to each city and town no later than October 9<sup>th</sup>.

### **ELECTION DAY**

- At least 3 days before moving a polling place, the selectmen or city council must evaluate and report on whether the change would have a disparate adverse impact on the basis of race, national origin, disability, income, or age. The report must be posted on the city/town's website and in the clerk's office.
- Polling place changes must be posted on the municipal website and other places determined by the selectmen or city council. Voters shall be notified by electronic means, to the extent possible, including by email or by reverse 911 call. You DO NOT need to mail a notice to every household this year.
- In cities, polling places may be moved to a non-adjacent precinct if the city council determines that the public convenience or public health would be better served.
- If the clerk determines, in writing, that there is a deficiency in the number of poll workers, the appointing authority may appoint additional poll workers without regard to political party, voter registration status, residency, or inclusion on a list from the local party committees.
- If any poll worker positions are still vacant 3 weeks before an election, the clerk may appoint people to fill those vacancies without regard to political party, voter registration status, residency, or inclusion on a list from the local party committees.
- The clerk may choose to eliminate the check-out table and list for elections this year.

- The SOC will promulgate regulations and certify at least 1 e-poll book by July 15<sup>th</sup>.
- The SOC will consult with the Department of Public Health and promulgate regulations regarding safety at polling places.

### **COUNTING BALLOTS**

- Ballots cast by mail may be opened and inserted into a tabulator or ballot box before the day of the primary or election, provided that the ballots are kept secured, locked, and unexamined until the polls are closed. The SOC will be providing regulations on processing ballots before Election Day.
- Absentee and early ballots cast by voters who have since died will still be counted, as long as the ballot was mailed, delivered by hand or put into a drop box or voted in person prior to the voter's death.
- Any voter who has returned an early or absentee ballot that has been accepted cannot vote in person on Election Day.

We hope this information is helpful and will continue to provide clarification and instruction as we move through this process.